

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
<i>Applies to All Cases</i>)	

**KVK-TECH, INC.’S SECOND AMENDED SUBMISSION REGARDING
PLAINTIFF FACT SHEET AND SERVICE OF PROCESS ISSUES**

In accordance with the Court’s January 3, 2023, Order (Dkt. No. 4801) regarding Plaintiff Fact Sheets and Service of Process, KVK-Tech, Inc. (“KVK-Tech”), by and through its undersigned attorneys, respectfully submits the attached second amended¹ list (**Exhibit A**) of plaintiff-subdivisions that named KVK-Tech,² but the plaintiff-subdivisions: (1) did not timely serve a Plaintiff Fact Sheet (“PFS”) to the PFS Repository by the October 14, 2022 deadline, in accordance with the Court’s October 6, 2022 Order³ and/or (2) did not obtain timely service of process on KVK-Tech in the listed case.

KVK-Tech has prepared this list to the best of its knowledge based on a reasonable investigation, but reserves all rights to further supplement and/or amend **Exhibit A** should additional information be discovered after this submission. KVK-Tech further expressly preserves

¹ KVK-Tech timely submitted its original list on January 30, 2023. *See* Dkt. No. 4848. After further investigation into issues pertaining to service, KVK-Tech determined that certain amendments needed to be made and submitted its first amended submission on February 6, 2023, removing certain cases that were marked as having a service issue. Dkt. No. 4876. Since that time, KVK-Tech has become aware of additional cases for removal from the list due to resolution of previous timely PFS and/or timely service issues. As such, KVK-Tech submits a second amended **Exhibit A**, attached hereto, which, again removes certain cases that no longer appear to have a timely PFS and/or timely service of process issue for purposes of this submission.

² For purposes of this submission, KVK-Tech has been designated by the Court as a “Non-Litigating Defendant.”

³ Order To All Governmental Plaintiffs Regarding Re-Service of Plaintiff Fact Sheets, Dkt. No. 4664 (directing “all governmental plaintiffs to re-serve their PFS **no later than Friday October 14, 2022**”). To the extent a plaintiff subdivision contends that it served a PFS to some other repository or e-mail distribution list at some other time, but did not re-serve its PFS to the PFS Repository, it has been included on the list.

and does not waive its individual rights, reservations, objections, arguments, and remedies, including with respect to personal jurisdiction and/or service of process. KVK-Tech further reserves all rights as to any case where it has been named, but has no knowledge and/or notice of the same, if any, and has not listed such case(s) within **Exhibit A**. A failure to list such a case is inadvertent and not intended to waive any rights, including arguments for dismissal.

Pursuant to the Court's Order, KVK-Tech has limited its list only to cases brought by plaintiff-subdivisions and has excluded cases brought by other types of plaintiffs (e.g., Tribes, hospitals, third-party payors, etc.). In addition, per the Court's direction and as to PFS issues, KVK-Tech has limited its list of cases to those involving a failure to timely *serve* a PFS to the PFS Repository. By making this submission, KVK-Tech makes no representations and waives no arguments regarding the sufficiency of any PFS and reserves all rights to challenge the same. KVK-Tech further makes no representations and waives no arguments regarding the sufficiency of service of process in cases not listed herein and reserves all rights to challenge the same. KVK-Tech reserves the right to raise these and other challenges at the appropriate time.

Dated: March 27, 2023

Respectfully submitted,

/s/ Thomas E. Rice

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**ATTORNEY FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was filed with the Clerk of the Court using the CM/ECF system on this 27th day of March, 2023, which will send notification of the same to all counsel of record.

I further certify that the list contained in Exhibit A has been provided in Excel format to the following members of the PEC (for distribution to plaintiffs) and to Special Master Cohen, per MDL 2804 Order, Dkt. 4801:

Mr. Mark Crawford (mcrawford@skikos.com)

Mr. Steven Skikos (sskikos@skikos.com)

Mr. Peter Weinberger (pweinberger@spanglaw.com)

Special Master David Cohen, (david@specialmaster.law)

/s/ Thomas E. Rice